

7969-0047/dmf

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY L. REYES,

Plaintiff,

-against-

**ANSWER TO AMENDED
COMPLAINT**

07 CIV 6524 (CLB)

THOMAS REYNOLDS and RICHARD HAMMER, sued in
their individual capacities,

Defendants.
-----X

The defendants, by their attorneys, McCabe & Mack LLP, as and for their answer to the amended complaint of the plaintiff, respectfully show to the court and allege as follows.

I. INTRODUCTION

1. Neither admit nor deny as the amended complaint speaks for itself.

II. PARTIES

2. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered "1 ", "2 " and "3 " of the amended complaint.

III. JURISDICTION

3. With regard to paragraph numbered "4 " of the amended complaint, neither admit nor deny as states conclusions of law.

IV. FACTUAL AVERMENTS

4. Deny knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs numbered "6 ", "7 ", "13 " and "14 " of the amended complaint.

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5. Deny those allegations contained in paragraphs numbered “10 ”, “11 ”, “15 ” and “16 ” of the amended complaint.

6. With regard to paragraph numbered “8” of the amended complaint, admit only that the police were called. Denies knowledge or information sufficient to form a belief as to the remaining allegations.

7. With regard to paragraph numbered “12 ” of the amended complaint, admit only that plaintiff was charged with disorderly conduct and denies remaining allegations.

V. CAUSES OF ACTION

8. Repeat, reiterate and reallege each and every denial to each and every allegation contained in paragraphs numbered “1” through “16 ” and incorporated by reference in paragraph “17 ” of the amended complaint as if the same were more fully set forth herein at length.

9. Deny those allegations contained in paragraphs numbered “19 ” and “20 ” of the amended complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

10. Defendants acted in good faith and are entitled to qualified immunity.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

11. All force used was reasonable and necessary.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

12. Probable cause existed for plaintiff’s arrest.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

13. The amended complaint fails to state a claim against defendants.

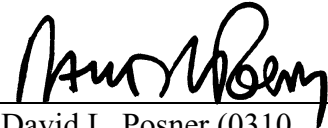
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WHEREFORE, the defendants demand judgment dismissing the amended complaint of the plaintiff herein, plus the costs and disbursements of this action and for such other and further relief as to the Court may seem just and proper.

DATED: Poughkeepsie, New York
November 9, 2007

Yours, etc.

McCABE & MACK LLP

By: 
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